

Message Text

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ACTION EB-07

INFO OCT-01 NEA-10 IO-10 ISO-00 STR-04 AGR-05 CEA-01

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L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01 FEA-01

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 637

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EO 11652: NA

TAGS: ETRD, IN

SUBJ: FOREIGN PRODUCT STANDARDS AND CERTIFICATION SYSTEMS

REF: STATE 182572

1. EMBOFF DISCUSSED MTN WORK ON CODE OF CONDUCT ON PRODUCT STANDARDS AND CERTIFICATION WITH DIRECTOR AND DEPUTY DIRECTOR OF INDIAN STANDARDS INSTITUTION (ISI). BOTH WERE CONVERSANT WITH BROAD RANGE OF ISSUES REGARDING ROLE OF STANDARDS IN INTERNATIONAL TRADE, INCLUDING QUESTION OF GATT CODE, AND WERE EAGER TO DISCUSS INDIAN ISTUATION IN DETAIL.

2. AT CONCLUSION OF MEETING, HOWEVER, ISI DIRECTOR INFORMED EMBOFF THAT DRAFT CODE HAD BEEN REVIEWED AND, ON BASIS OF ISI RECOMMEN- DATION, INDIAN DELEGATION TO MTN HAD BEEN INSTRUCTED TO OPPOSE THE CODE. HE IMPLIED THAT DECISION BASED ON MANY FACTORS, AND TIME DID NOT PERMIT PRESSING HIM FURTHER ON THIS POINT.

COMMENT: EMBASSY WILL FOLLOW UP ON REASONS BEHIND GOI POSITION WITH ISI AND OTHER GOI OFFICIALS. BELIEVE IT WOULD BE USEFUL

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IN DOING SO TO HAVE MORE DETAIL ON CONTROVERSIAL ASPECTS OF

CODE AND MERITS OF U,3 . POSITION.

3. FOLLOWING RESPONDS TO QUESTIONS CONTAINED PARA 5 REFTEL. WE BELIEVE THESE GIVE A FAIRLY FULL PICTURE OF STANDARDS SETTING AND CERTIFICATION PROCEDURES IN INDIA, ALTHOUGH THERE ARE ADMITTEDLY SOME GAPS. PLEASE ADVISE IF FURTHER DETAIL OR CLARIFICATION IS NEEDED.

STANDARDS

4. STANDARD SETTING BODIES:

(A) THE PRINCIPAL STANDARDS SETTING AND CERTIFYING BODY IN INDIA IS THE INDIAN STANDARDS INSTITUTION (ISI), AN AUTONOMOUS PUBLIC BODY FINANCED ABOUT 40 PERCENT BY GOI GRANTS AND 60 PERCENT BY PRIVATE SECTOR FEES AND SALES OF PUBLICATIONS. WHILE ITS GOVERNING BOARD IS FORMALLY INDEPENDENT, IS IS SO SET UP AS TO BE DOMINATED BY GOI EX-OFFICIO MEMBERS. EXCEPT FOR THE MINISTRY OF FOOD AND AGRICULTURE (SEE SUBPARA B BELOW), THE ISI IS THE ONLY STANDARDS SETTING AND CERTIFICATION AGENCY IN THE COUNTRY. ANY CENTRAL OR STATE GOVERNMENT BODY OR PRIVATE OR PUBLIC ENTERPRISE WISHING TO ESTABLISH A STANDARD REQUESTS THE ISI TO DO IT. ALL ISI STANDARDS ARE IN THEMSELVES VOLUNTARY. OF THE APPROXIMATELY 8,000 WHICH HAVE BEEN SET, ABOUT 100 HAVE BEEN RENDERED MANDATORY BY CENTRAL GOVERNMENT LEGISLATION (E.G., SAFETY STANDARDS SUCH AS FORPROPANE GAS CYLINDERS). ABOUT 80 PERCENT ARE MANDATORY FOR CENTRAWCAND STATE GOVERNMENT AND PUBLIC SECTOR PURCHASING.

(B) INDEPENDENTLY OF THE ISI, THE MINISTRY OF FOOD AND AGRICULTURE ESTABLISHES STANDARDS FOR ALL DRUGS AND A LARGE RANGE OF FOODS AND PRIMARY PRODUCTS. THEY HAVE RECENTLY EXTENDED THEIR STANDARDS SETTING, SOMEWHAT TO ISI'S DISGRUNTLEMENT, TO PROCESSED AGRICULTURAL PRODUCTS SUCH AS SPICES. THE MINISTRY'S STANDARDS ARE MINIMUM STANDARDS FOR THE PURPOSE OF CONSUMER PROTECTION; ISI STANDARDS IN CONTRAST ARE AIMED AT QUALITY CONTROL AND NORMALLY PROVIDE A RANGS*94 - &8;3, 049\$7:5 2#8:;, AT ITS UPPER LIMITS, MAY NOT EVEN BE MET BY DOMESTIC PRODUCTION METHODS.

5. STANDARDS IN FORCE:

(A) MANDATORY STANDARDS: NO BREAKDOWN OF THE ESTIMATED 100 LIMITED OFFICIAL USE

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ISI STANDARDS WHICH HAVE BEEN RENDERED MANDATORY BY LEGISLATION IS AVAILABLE.

(B) VOLUNTARY STANDARDS: AVAILABLE STANDARDS LISTS PUBLISHED BY ISI IN 1973 REVEALED THE FOLLOWING NUMBER OF STANDARDS BY CATEGORY (FIGURES APPROXIMATE):

AGRICULTURAL AND FOOD PRODUCTS: 750

CHEMICAL: 1,500

ELECTROTECHNICAL: 800

MARINE, CARGO MOVEMENT AND PACKAGING: 200

MECHANICAL ENGINEERING: 710

CIVIL ENGINEERING (AS OF 1972): 1,000

STRUCTURAL AND METALS: 950

TEXTILE: 650

CONSUMER PRODUCTS AND MEDICAL INSTRUMENTS (1972): 500

6. CONFORMITY WITH INTERNATIONAL STANDARDS:

(A) ISI ESTIMATEYEUHATABOUT 50 PERCENT OF ITS STANDARDS CONFORM TO INTERNATIONAL STANDARDS SET BY THE ISO, IEC OR EQUIVALENT BODIES. IN STANDARD SETTING, ISI STARTS FROM THE INTERNATIONAL STANDARD IF ONE EXISTS, AND MODIFIES OR REJECTS IT ONLY INsofar AS LOCAL CONDITIONS REQUIRE. ISI OFFICIALS COMMENTED THAT NUMBER OF STANDARDS CONFORMING WOULD BE EVEN HIGHER EXCEPT THAT MANY ISI STANDARDS PREDATE INTERNATIONAL STANDARDS FOR SAME PRODUCTS. THUS, DEGREE OF CONFORMITY EXPECTED TO INCREASE WITH TIME AS OLD STANDARDS REVISED.

(B) REGIONAL STANDARDS: NO REGIONAL STANDARDS EXIST, ALTHOUGH ISI HAS BEEN ATTEMPTING TO STRENGTHEN INDIA'S VOICE IN INTERNATIONAL COUNCILS BY PUSHING PROPOSAL FOR REGIONAL STANDARDS IN ESCAP.

7. STANDARD SETTING PROCEDURES: REQUEST FOR NEW STANDARD OR REVISION OF EXISTING STANDARD IS SUBMITTED BY ISI STAFF TO APPROPRIATE ADVISORY GROUP (THESE GROUPS ESTABLISHED ON A PRODUCT-BY-PRODUCT BASIS). DRAFT STANDARD WORKED UP BY GROUP IS DISTRIBUTED TO ALL INTERESTED PARTIES ISI ABLE TO IDENTIFY, INCLUDING FOREIGN STANDARD SETTING AGENCIES, WITH REQUEST FOR WRITTEN COMMENTS WITHIN THREE MONTHS. ADVISORY GROUP THEN ADOPTS FINAL TEXT WHICH COMES INTO EFFECT UPON PUBLICATION.

TESTING AND QUALITY ASSURANCE PROCEDURES
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8. THE QUESTION OF ASSURING COMPLIANCE OF A FOREIGN PRODUCT WITH INDIAN NATIONAL STANDARDS HAS NEVER ARISEN IN ISI OFFICIALS' EXPERIENCE; IS NOT LIKELY TO ARISE UNDER CURRENT IMPORT CONTROL SYSTEM; AND ISI CERTIFICATION PROCEDURES WOULD NOT IN ANY EVENT BE APPLICABLE TO IMPORTED PRODUCT. GUIDING PRINCIPAL OF INDIA'S IMPORT CONTROL SYSTEM IS THAT PRODUCT IMPORTED MUST BE CERTIFIED TO BE UNAVAILABLE FROM DOMESTIC SOURCES. DETERMINING FACTOR IS WHETHER PRODUCT CAN BE PRODUCED IN COUNTRY, NOT JUST WHETHER IT IS ALREADY AVAILABLE ON THE MARKET. THUS IMPORTS, ASIDE FROM SIGNIFICANT VOLUMES OF PETROLEUM AND FOODGRAIN, ARE IDENTIFIED BY PROSPECTIVE IMPORTER IN PRECISE TERMS TO MEET A PRECISE NEED IN SPECIFIC INDUSTRIAL PROCESS. IMPORTER HIMSELF MAY TAKE INTO ACCOUNT WHETHER PRODUCT SOUGHT MEETS ESTABLISHED FOREIGN STANDARD, BUT DOMESTIC INDIAN STANDARD NOT A

FACTOR IN HIS DECISION NOR IN GOI CONSIDERATION OF IMPORT REQUEST. SINCE ISI CERTIFICATION IS GRANTED ON THE BASIS OF APPROVAL OF MANUFACTURER'S QUALITY CONTROL SYSTEM THROUGH ENTIRE PRODUMCTION PROCESS, APPROVAL OF INDIVIDUAL ITEMS IMPORTED FROM ABROAD WOULD NOT BE POSSIBLE.

AUTHORITY

9. IDENTITY OF ISI WITH THE GOVERNMENT IS SO CLOSE THAT QUESTION OF ISI RESISTENCE TO IMPLEMENTING A CODE WOULD NOT RISE EXCEPT IN THE SENSE OF AN INTERNATIBUREAUCRATIC STRUGGLE. AS INDICATED PARA 2 ABOVE, AT THISPOINT IT APPEARS THAT THE WEIGHT OF ISI'S EXPERTISE IN STANDARDS FIELD IS GO GREAT AS TO BE PREDOMINANT IN ESTABLISHING GOI POLICY, RATHER THAN OTHER WAY AROUND.
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